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IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

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MARIO PIEDRO LIBERATO,)	Civil Action No. 7:05-CV-3.28
Petitioner,)	Criminal Action No. 5:04-CR-30037
v.)	DISMISSAL ORDER
UNITED STATES OF AMERICA,)	By: Samuel G. Wilson
Respondent.)	United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby **ORDERED** and **ADJUDGED** that the above referenced motion pursuant to 28 U.S.C. § 2255 is hereby **FILED** and **DISMISSED** without prejudice as premature. This action is stricken from the active docket of this court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel for the respondent.

UNITED STATES DISTRICT JUDGE